

ATTORNEY DOCKET NUMBER: 2002834-0058 (CIP4 DIV1)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bannon, et al.

Examiner: Huynh, P.

Serial No.: 09/478,668

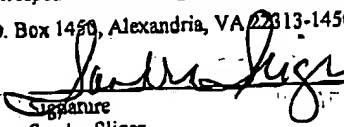
Art Unit: 1644

Filed: January 6, 2000

Title: METHODS AND REAGENTS FOR DECREASING CLINICAL REACTIONS TO ALLERGY

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

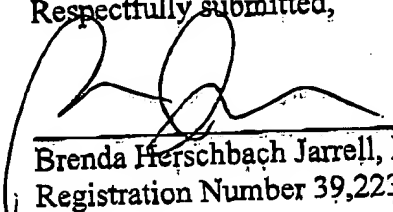
Certificate of Facsimile Transmission	
I certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
January 10, 2006	
Date	Signature
	Sandra Sliger
Typed or Printed Name of person signing certificate	

REQUEST FOR EXPRESS ABANDONMENT PURSUANT TO 37 C.F.R. § 1.138(b)

Applicant hereby expressly abandons the above-referenced application in favor of the Continuation application that is being filed today, January 10, 2006. Please ensure that this application remains pending until the Continuation is received, and then abandon it.

Please charge any fees associated with this express abandonment, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,


Brenda Herschbach Jarrell, Ph.D.
Registration Number 39,223

PATENT DEPARTMENT
CHOATE, HALL & STEWART, LLP
Two International Place
Boston, MA 02110
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JAN. 10. 2006 8:15PM

CHOATE HALL & STEWART 6172484000

NO. 056

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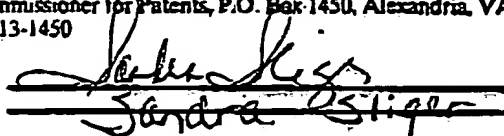
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Sandra Stiger

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail No.: EV 782615197 US
Attorney Docket No.: 2002834-0258
Date Filed: January 10, 2006
Customer Number: 24280

UTILITY PATENT APPLICATION TRANSMITTAL
(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s):

<u>Given Name (first and middle)</u>	<u>Family Name or Surname</u>	<u>Residence (City and State or Foreign Country)</u>
Gary A.	Bannon	35 Bear Creek Drive Wentzville, MO 63385
A. Wesley, Jr.	Burks	306 Faison Road Chapel Hill, NC 27517
Gael	Cockrell	31 Jay Circle Cabot, AR 72023
Ricki M.	Helm	3207 Echo Valley Drive Little Rock, AR 72227
Nina E.	King	6250 Mallard Court Mason, OH 04540
Hugh A.	Sampson	19 Carleon Avenue Larchmont, NY 10538
J. Steven	Stanley	2000 Waterside Drive North Little Rock, AR 72116

Express Mail No.: EV 782615197 US
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Date Filed: January 10, 2006
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4030988v1

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**Title of the Invention: METHODS AND REAGENTS FOR DECREASING CLINICAL
REACTION TO ALLERGY**

A) APPLICATION ELEMENTS:

1) ☐ **Fee Transmittal Form** (original and duplicate submitted for fee processing)

2) ☒ **Applicant Claims Small Entity Status** (see 37 C.F.R. § 1.27)

a) ☒ **Statement Verifying Small Entity Status** (See Exhibit A)

3) ☒ **Specification**

TOTAL PAGES: 34

☒ **Descriptive Title of the Invention**

☒ **Cross References to Related Applications** (if applicable)

☐ **Statement Regarding Federally Sponsored R & D** (if applicable)

☒ **Reference to sequence listing, a table, or a computer program listing appendix**

☒ **Background of the Invention**

☒ **Summary of the Invention**

☒ **Description of the Drawing** (if filed)

☒ **Detailed Description of the Invention**

☒ **Claim(s)**

☒ **Abstract of the Invention**

4) ☒ **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: 3

a) ☒ **Formal Drawings** (if checked)

5) ☒ **Oath or Declaration**

a) ☐ **Newly Executed** (original or copy)

b) ☒ **Copy from a prior application** (37 C.F.R. § 1.63(d))-for continuation/divisional application (see Substitute Declaration Exhibit A, Tab 6; and Petition to Correct Inventorship and related ancillary documents (all as Exhibit B))

i) ☐ **Deletion of inventor(s):** Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

c) ☐ **Unexecuted**

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- 6) ☐ **Application Data Sheet.** See 37 C.F.R. § 1.76.
- 7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
- 8) ☒ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)
- a) ☒ **Computer Readable Form (CRF)**
- b) ☒ **Specification Sequence Listing on:**
- i) ☐ **CD-ROM or CD-R (2 copies); or**
- ii) ☒ **Paper (20 pages)**
- c) ☒ **Statements verifying identity of above copies (1 pg.)**

B) ACCOMPANYING APPLICATION PARTS:

- 9) ☒ **Assignment Papers** (See Exhibit A, Tabs 2, 3 and 5)
- 10) ☒ **37 C.F.R. § 3.73(b) Statement** (when there is an assignee) (See Exhibit A, Tabs 2 and 5)
- 11) ☐ **Power of Attorney**
- 12) ☐ **English Translation Document** (if applicable)
- 13) ☒ **Information Disclosure Statements (IDS) 7 Forms/PTO-1449 (43 pages) and Statement Filed Pursuant to Duty of Disclosure (6 pages)**
- 14) ☒ **Cited Art: 8 References**
- 15) ☒ **Preliminary Amendment (5 pages)**
- 16) ☒ **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) ☐ **Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(i)**

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19) ☒ **OTHER:** (if applicable, specified below)

Exhibit A: Documents as Filed in Parent Application; Serial No. 09/478,668; filed January 6, 2000 (21 pages, including tabs)

Exhibit B: Documents to Correct Inventorship in Parent Application; Serial No. 09/478,668; filed January 6, 2000 (51 pages, including tabs)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

of prior application no.: 09/478,668

filed: January 6, 2000

examiner: Huynh, P.

group/art unit: 1644

for continuation or divisional applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

D.) PRIORITY CLAIM(S):

This application claims the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

<u>Application Serial No.</u>	<u>Filing date</u>	<u>Status (patented, pending, abandoned)</u>
09/106,872	June 29, 1998	Patented (6,486,311)
09/141,220	August 27, 1998	Pending
09/478,668	January 6, 2000	Pending

This application claims the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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<u>Application Serial No.</u>	<u>Filing date</u>	<u>Status (pending, expired, abandoned)</u>
60,073,283	January 31, 1998	Expired
60/074,590	February 13, 1998	Expired
60/074,624	February 13, 1998	Expired
60/074,633	February 13, 1998	Expired
60/077,763	March 13, 1998	Expired

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

☒ Applicant claims small entity status 37 C.F.R. § 1.27.

☐ A check for _____ is enclosed to cover the filing fees.

☒ A credit card payment form for \$1,230.00 is enclosed to cover the filing fees.

☒ The commissioner is hereby authorized to charge filing fees or to credit any overpayment to deposit account number 03-1721.

Filing Fee (Small Entity) \$500.00
(includes Basic Filing Fee, Search Fee, and Examination Fee)

Additional Fees:

Total Number of Claims in excess of 20: $(42 - 20) \times \$25$ \$550.00

Number of Independent Claims in excess of 3: $(3 - 3) \times \$200$ \$0.00

Multiple Dependent Claims \$360: \$180.00

Total Filing Fee: \$1,230.00

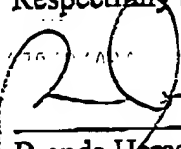
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F) CORRESPONDENCE ADDRESS:☒ Customer Number: **24280**☒ Correspondence Address:

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fax: (617) 248-4000

Respectfully Submitted,


Brenda Herschbach Jarrell, Ph.D.
Registration No. 39,223

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CHOATE HALL & STEWART LLP

Fax

Recipient	Company	Fax	Phone
Ms. Diane Maggard	Board of Patent Appeals, U.S. Patent and Trademark Office	571-273-0300	

From	Brenda Herschbach Jarrell, Ph.D.	Number of Pages	8 pages (including cover sheet)
Date	January 10, 2006	Client Number	2002834-0258
Phone	(617) 248-5175	Operator	Time Sent

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